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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6143 OF 1995

The Mahanagar Telephone Ltd. ... Petitioners

V/s

1. Shivanna Poojari & anr. ... Respondents

Mr. S.R. Rajguru for the petitioners.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 2ND JULY, 2007.

P.C.:

1. This petition, filed in 1995, challenges the award of the Presiding Officer, Central Government Industrial Tribunal dated 21.12.1994. By this award, the Tribunal has granted reinstatement with continuity of service and full back wages to the respondent workman w.e.f. 18.9.1979.

2. The only question raised on behalf of the petitioners is that another employee who had challenged his termination from service had failed in the Courts of law. According to the learned advocate for the petitioner, that employee's order of termination from service was issued in similar circumstances as the order

terminating respondent No.1's services. No judgment of this nature is cited before the Court. A request is made for an adjournment. In my opinion, this request cannot be granted especially since the matter has been pending admission for 12 years. It has been dismissed on several occasions for non-appearance of the petitioners and then restored.

3. In any event, the contents of the award indicate that the petitioners did not lead any evidence to show that the workman had been justifiably terminated from service. There is no error apparent on the face of the record nor is there any perversity. Apart from this, the award in all probability has already been implemented since there was no stay granted by this Court.

4. Writ petition rejected.

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